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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5
Electron
DSmall's-Loga
10.2.03

In re Application of:

HIROKI TAJIMA, et al.

Application No.: 10/078,395

Filed: February 21, 2002

For: INK JET HEAD STORING
STRUCTURE AND LIQUID
FILLING METHOD

Examiner: J. Nguyen

Group Art Unit: 2861

September 25, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

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In response to the August 25, 2003 Requirement To Restrict, Applicants hereby provisionally elect to prosecute the claims of Group I, namely, Claims 1 to 17. (In this regard, in a telephone conversation with the Examiner, she confirmed that Group II encompasses Claim 18, and not Claim 1 as otherwise indicated on the Office Action.) The Requirement To Restrict is, however, traversed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 25, 2003
(Date of Deposit)

Michael K. O'Neill, Reg. No. 32,622
(Name of Attorney for Applicant)

Signature

September 25, 2003
Date of Signature

Traversal is on the ground that there would not be undue burden in examining both groups of claims in a single application. In particular, MPEP § 808 makes clear that in order to require restriction between independent of distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be undue burden in examining two groups of claims in a single application, since the two groups of claims are not so different as would require a burden on the Examiner that is significantly beyond that of the normal burdens of examination.

Moreover, it is noted that the Group I claims are classified in 347/87, which is actually an indented subclass under 347/85, in which the Group II claims are classified. Accordingly, it is clear that the Examiner believes that there is a close technical relationship between the claims of Group I and those of Group II.

Accordingly, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

In further response to the requirements to restrict, since the Group I claims were elected, Applicants elect Species I, Figure 10. Claims 1 to 17 are believed to be readable on the elected group and species, and as the Examiner has indicated, Claims 1 to 12 and 14 to 17 are believed generic. The election of species is made without traverse.

An action on the merits of Claims 1 to 17 is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 32622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

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